

ORDINANCE NO: 5355

**ORDINANCE AMENDING CHAPTER 15, SECTION 15-7, CITY OF MEMPHIS  
CODE OF ORDINANCES, TO REVISE LANGUAGE REGARDING CITY  
ISSUED CARTS AND USE OF PERSONAL CONTAINERS**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
MEMPHIS,** that Chapter 15, Section 15-7, Code of Ordinances, City of Memphis, is  
hereby amended to revise language regarding City issued carts and the use of personal  
containers.

**Section 15-7 Container provided**

Revise language as follows:

A. Duty to Have Cart(s). It shall be the duty of every person in possession, charge or control of any premises where solid waste is created or accumulated and in the case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of City issued carts for the deposit of garbage generated on the premises. It shall be incumbent upon every person in possession, charge or control of any premises to which a city-owned cart has been issued, to insure the security of such cart from the perils of theft and damage at times other than when the cart is curbside between six a.m. and seven-thirty p.m. on the regularly scheduled collection day, or at times otherwise established by the director. The cost of damage or loss occurring to a cart as the result of a failure to adequately secure it shall be borne by the person in possession, charge or control of the premises who shall also be responsible for reporting any damage or loss of the cart to the public works division as soon as the damage or loss is realized. The cost of damage to the cart caused by fire shall be borne by the person in possession, charge or control of the premises, without regard to the time or location of the cart when such damage occurs.

B. Cart Requirements. Lids or covers of city issued carts shall be kept tightly closed at all times other than when solid waste is being deposited therein or removed there from. Carts used for the deposit of solid waste for collection by the city shall be in good condition so that collection thereof shall not injure the person collecting the contents. Carts having ragged or sharp edges or other defects must be reported to Public Works for repair or replacement.

C. Except where exempt from cart participation by the director, Public Works will collect solid waste contained in City issued carts only. Solid waste placed in personally owned carts, personally owned containers and in unregistered previously purchased City carts will not be collected by the City of Memphis.

D. Residential units may lease additional City owned carts at the monthly fee established in Section 9-56-11.

E. Unauthorized City Cart(s). Public Works will not collect waste from additional City cart(s) where the residential unit has unauthorized possession of the cart(s) or if the cart(s) is not registered in the cart lease program. Unauthorized City cart(s) at residential units are subject to confiscation by the City.

F. Previously Purchased City Carts. Residential units possessing previously purchased City carts may register their City purchased cart(s) with Public Works in order to receive collection of waste from said cart(s) at the monthly fee per cart established in Section 9-68-11. Upon registration of the cart(s), the previously sold City cart will receive the same repair and replacement benefits of leased carts, as long as the cart remains registered and is actively billed at the monthly fee per cart established in Section 9-56-11.

It shall be the duty of both the person in possession, charge or control of any premises as well as the owner of the premises to comply with the provisions of this subsection regarding the cleanliness of the premises and keeping carts properly closed. (Ord. 4048, 6-25-91; Code 1985 § 15-7; Ord. 723 § 1, 6-2-70; Ord. 495 § 1, 7-22-69; Ord. 187, 6-11-68; Code 1967 § 19-6)

## SECTION 2

**BE IT FURTHER ORDAINED**, that this ordinance shall take effect from and after the date it shall have been passed by the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

THE FOREGOING ORDINANCE  
# 5355 PASSED

1st Reading 5-11-10  
2nd Reading 5-25-10  
3rd Reading 6-8-10

Approved: [Signature]  
Chairman of Council

Date Signed: 06/22/2010

Approved: [Signature]  
Mayor, City of Memphis

Date Signed: 6/28/2010

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Snipes  
Comptroller

Harold B. Collins  
CHAIRMAN OF COUNCIL